

A Message from Our Staff Attorney

By Evan C. Bjorklund, Staff Attorney



One of the mandates of MOD is to provide technical and legal assistance to Executive Branch agencies and local Commissions on Disability (CODs), especially when there is a change to disability related laws. CODs advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities. Recently, the Massachusetts Open Meeting Law, which guides how public meetings must operate, was amended to aid CODs.

As of April 7, 2015, CODs can decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. Prior to this amendment, CODs had to seek approval from their respective mayor or city council prior to allowing remote participation. Now that this barrier has been removed, CODs, which are statutorily comprised of mostly persons with disabilities, are more easily able to complete their business.

However, any public body using remote participation during a meeting must ensure that the following minimum requirements are met: 1) A quorum, including the chair or, in the chair's absence, the person chairing the meeting, must be present; 2) Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and 3) All votes taken during a meeting in which a member participates remotely must be

by roll call vote.

More recently, another substantive change was made to the Open Meeting Law and it is effective as of July 1, 2015. In short, if a COD has adopted remote participation (see above), a quorum of the Commission does not need to be physically present at the meeting location, although a quorum of members participating, remotely or in person, must still take place and the chair must be physically present at the meeting location. The Attorney General's FAQ on the Open Meeting Law further explains this amendment:

We are confident that these amendments will facilitate more meetings for local CODs throughout the Commonwealth.

"However, a local commission on disability must still provide a physical meeting location where interested members of the public may attend and hear the discussion by the body. Additionally, the commission's chair, or the person chairing the meeting in the chair's absence, must be present at the meeting location. This means that if the chair wishes to participate remotely, he or she may do so, but may not then chair the meeting. Finally, note that while the law requires that only one member of a local commission on disability (the chair) be physically present at the meeting location, a quorum of the commission must still participate, remotely or in person, for a "meeting" to occur."

Please contact our office should you have any questions regarding these changes to the Open Meeting Law.

DISCLAIMER: Note that the Attorney General is ultimately responsible for interpretation and guidance on this issue. As such, we may refer you to them for guidance depending on the substance of your query.

Jeffrey's Access Corner

By Jeffrey Dougan

"Jeffrey's Access Corner" will be a recurring segment in our newsletter that will discuss specific topics related to architectural features that can be found in the accessibility codes that are required in Massachusetts. I hope you will find this interesting.

For my inaugural entry into what I hope will be a continuing saga explaining common architectural access related topics; I wanted to spend some time discussing automatic door openers. This is a very common topic that I get asked about. To paraphrase Shakespeare, "Are automatic door openers required or not required at entrances?"

Well, like anything, there are a couple of answers depending on the specific situation. In a perfect world, if an entrance is built compliant with both the Massachusetts Architectural Access Board's rule and regulations (MAAB) and the Americans with Disabilities Act Architectural Design Standards, they would not be required. For example, if the door has the appropriate weight, maneuvering clearances, hardware, width, and level landings, the code would not require an automatic door opener be installed.

This is where it gets a little complicated. The MAAB would require a variance if any of the above features could not be built compliant. Often times, to mitigate some of those issues, automatic door openers are ordered by the Board to be installed. However, if a project is having difficulty complying with the pull or

If there is a topic you would like discussed, please let me know. You can reach me at jeff.dougan@state.ma.us or 617-727-7440.

push side clearances, the space needed to get to and open the door, or the actual weight of the door, automatic door openers can be installed to mitigate those issues without the need for a variance from the MAAB.

I personally like when designers use automatic door openers at entrances. It not only helps people who have difficulty opening the door due to a disability, but it also helps everyone: a parent pushing a stroller, a person carrying groceries, a person with limited upper body maneuverability, etc. Automatic door openers are useful to everyone.

From the Director's Desk

By David D'Arcangelo

Public services for Persons with Disabilities have come a long way in the past 25 years since the signing of the Americans with Disabilities Act in 1990. But it is also important to recognize how far persons with disabilities have come since the inception of disability policy. Some of the first laws specifically directed at Persons with Disabilities came nearly 100 years ago.

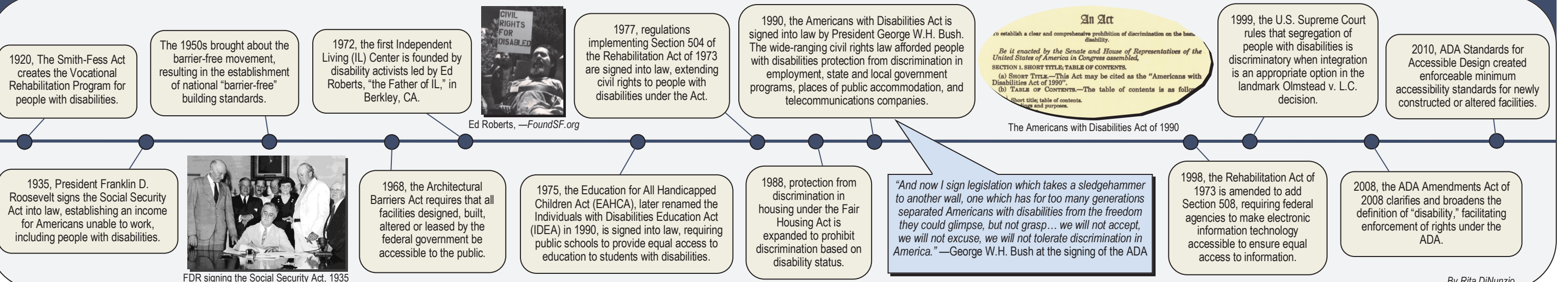
The Smith-Fess Act, which is also known as the Civilian Vocational Rehabilitation Act (Public Law 236), was one of the principal pieces of public policy that helped set up service systems for Persons with Disabilities, the foundation of which is still in place today. Just think, during the first year of the Vocational Rehabilitation program in 1920, Congress approved \$750,000, which then needed to be re-authorized for following years. Compare that with the nearly \$4billion dollars that is spent annually on Voc. Rehab services and we can appreciate just how far the public commitment has come for training and preparing Americans with disabilities for employment.



Lt. Governor Karyn Polito and MOD Director D'Arcangelo at ADA25 Celebration in Boston Common

A Brief History of Disability Rights in the U.S.

...In honor of Disability History Month in October





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Fall 2015

MOD Receives Supplier Diversity Award

By Michael Dumont

On June 12, 2015, the Massachusetts Office on Disability (MOD) was very proud to receive an Award of Excellence from the Commonwealth's Operational Service Division for MOD exceeding the Supplier Diversity Program minority and woman-owned businesses spending benchmarks for state fiscal year 2014. The Supplier Diversity Program, located within Massachusetts state agency Operational Services Division, oversees access and opportunity in state procurement for the Commonwealth of Massachusetts. MOD hopes to do even better next year.

MOD Director David D'Arcangelo and Assistant Director for Administration and Finance Michael Dumont accepting the award at the Hall of Flags in the State House

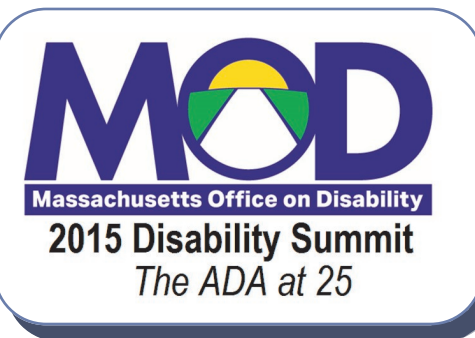


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<div> <div>SEPT</div> <div>Fall 2015 Calendar</div> <div>National Preparedness Month, Sight-Saving Month, Brain Aneurysm Awareness Month</div> </div>					
2 World War II Com- memoration Day WEDNESDAY	7 Labor Day MONDAY	11 Patriot Day FRIDAY	14-20 Alzheimer's Awareness Week MON-SUN	18 MOD Disability Summit FRIDAY	18-20 Abilities Expo Boston F, SAT & SUN
20-26 Cystic Fibrosis Week SUN-SAT	21 Myositis Awareness Day MONDAY	26 Eunice Kennedy Shriver Day SATURDAY	<div> <div>OCT</div> <div>Disability History Month, National Disability Employment Awareness Month, Head Injury Awareness Month, Breast Cancer Awareness Month</div> </div>		
4 Independent Living Center Day SUNDAY	5-11 Employee Involvement Week MON-SUN	12 Columbus Day MONDAY	15 White Cane Safety Day THURSDAY	19-25 Male Breast Cancer Awareness Week MON-SUN	21-22 MOD CAM Training Newton WED&THUR
31 Halloween SATURDAY	<div> <div>NOV</div> <div>Thrombosis Awareness Month, Lung Cancer Awareness Month</div> </div>				
	9-15 Massachusetts Hospice Week MON-SUN	10 U.S. Marine Corps Day TUESDAY	11 Veterans Day WEDNESDAY	26 Thanksgiving Day THURSDAY	<div> <div>Happy Thanksgiving!</div> </div>

MOD Plans 2015 Disability Summit: *The ADA at 25*

The Massachusetts Office on Disability will be hosting a Disability Summit and breakfast on September 18, 2015. This is the first of what is intended to be an annual event and we are very excited about it. The theme of the summit is "The ADA at 25" with speakers addressing their past, present, and future work as it relates to specific ADA topics. Disability Summit 2015 will be held at the Boston Convention and Exhibition Center, 415 Summer Street, Boston, MA 02210. Contact MOD at 617-727-7440 or MOD-Events@state.ma.us for more event information.



International Disability Professionals Visit MOD

By Rita DiNunzio

MOD had the pleasure of welcoming professionals from the international disability community this past summer. MOD was visited on two separate occasions by leaders in disability policy and Independent Living from both Canada and South Korea through the U.S. Department of State's International Visitor Leadership Program (IVLP). This professional exchange program connects foreign leaders in various fields to their American counterparts through short-term visits to the United States.

The Canadian group included staff from the Manitoba Disabilities Issues Office and the Canadian Centre on Disability Studies. The South Korean group was comprised of representatives from the Republic of Korea's Policy and Support for the Disabled project and the Seoul Center for Independent Living among others. MOD had the opportunity to spend a couple of hours with our guests and exchange our interests, goals, and ideas on disability policy. The Seoul team left us with an old Korean saying, "People connect even with the slightest brushing of clothes."



MOD Staff with South Korean IVLP Participants

In This Issue

- ◆ A Message from Our Staff Attorney
- ◆ From the Director's Desk
- ◆ Jeffrey's Access Corner
- ◆ A Brief History of Disability Rights in the U.S.
- ◆ Fall 2015 Calendar